

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

TOMMY LEE PENDLEY

COMPLAINANT

VS.

LOGAN TELEPHONE COOPERATIVE, INC.

AND

SOUTH CENTRAL BELL TELEPHONE COMPANY

DEFENDANTS

CASE NO. 93-430

O R D E R

This matter arising upon petition of Logan Telephone Cooperative, Inc. ("Logan Telephone") filed May 25, 1994 pursuant to 807 KAR 5:001, Section 7, for confidential protection of its responses to Items 1(a), (b), and (c) of the Commission's April 25, 1994 Order on the grounds that disclosure of the information will constitute an unwarranted invasion of its customers' personal privacy, and it appearing to this Commission as follows:

On April 25, 1994, Logan Telephone was directed by the Commission to furnish certain information relevant to these proceedings. Specifically, Items 1(a), (b), and (c) requested a list of Logan Telephone's customers in certain exchanges, the type of services to which each customer subscribes, and the rates paid by each customer for these services. By this petition Logan Telephone has requested that its responses to these requests be

protected as confidential on the grounds that public disclosure of the information would constitute an invasion of the customers' personal privacy.

The information sought to be protected is not generally known outside of Logan Telephone's business and only officials of Logan Telephone who deal with the subject matter know the information. Logan Telephone seeks to preserve and protect the confidentiality of the information by all appropriate means.

KRS 61.878(1)(a) exempts from disclosure "information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy." This provision is intended to protect from public disclosure any information contained in public records that relates to details of an individual's private life when the individual's privacy interest in the information outweighs the public's interest in the information. The information sought to be protected provides specific details of customers' private telephone activities, the disclosure of which would constitute an unwarranted invasion of the customers' personal privacy. Therefore, the portion of the responses which identify the customers by name and telephone number should be protected as confidential. The description of services provided each customer and the applicable tariffs, however, are matters of public record and are not entitled to protection when filed with this Commission.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

1. The customers' names and telephone numbers contained in Logan Telephone's responses to Items 1(a), (b), and (c) of the Commission's Order of April 25, 1994, which Logan Telephone has requested be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

2. The petition to protect as confidential the services described in the responses and the applicable tariffs for these services be and is hereby denied.

3. Logan Telephone shall within 20 days from the date of this Order file edited copies of its responses to Items 1(a), (b), and (c) of the Commission's Order of April 25, 1994 obscuring only the names of the individual customers and telephone numbers for inclusion in the public record.

Done at Frankfort, Kentucky, this 13th day of July, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director